IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Crl.MC.No. 2391 of 2004()

STC.327/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, KANNUR

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PETITIONER:

O.S.BIJU, S/O.SCARIA,
ADVOCATE, OTTAPLAKKAL HOUSE,
NUCHIYAD AMSOM, ULIKKAL DESOM,
KANNUR DISTRICT.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS:

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1. YUNUS, S/O.POYILAN MAMMU HAJI,
NOOR MAHAL, MUZHAKUNNU AMSOM,
VILAKKODE, KANNUR DISTRICT.

2. STATE REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

R1 BY ADV. SRI.P.P.RAMACHANDRAN
R2 BY PUBLIC PROSECUTOR SRI PUZHAKKARA MUHAMMED.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.M.C. NO. 2391 of 2004

Dated 13th day of December, 2006

ORDER

The petitioner who is the 2nd accused in S.T. C.No.327/2004 in the file of the Judicial First Class Magistrate-I, Kannur with respect to the offence under sections 448, 342 read with 34 IPC has sought for setting aside the above proceedings. The prosecution allegation is that on 8-10-2003 at about 5.45 p.m., the door of the toilet in the court building was locked from outside while the de facto complainant was inside. It is submitted that the matter has been settled with the de facto complainant. The accused are practicing lawyers.

2. In the circumstance, the matter is remitted back to the court blow for getting the matter compounded. One month's time is granted from the date of receipt of this order by the court below for filing the compounding application. The court below is not to insist for the appearance of the accused at the time of considering the application for compounding. Non bailable warrant shall be kept in abeyance for one month for the

above period. The matter is posted before the court below on 15-1-2007.

The Crl.M.C. is disposed of as above.

K.R.UDAYABHANU,JUDGE.

kvm/-